

EXHIBIT K

SENATE, No. 2264
STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED OCTOBER 16, 2006

Sponsored by:
Senator BARBARA BUONO
District 18 (Middlesex)
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District 12 (Mercer and Monmouth)

SYNOPSIS

Requires chain restaurants to provide certain nutrition information for food or beverage items offered for sale.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain retail food establishments and supplementing Title 26 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares that:

a. Research continues to demonstrate that there is a strong link between diet and health; in 2004, an estimated 65% of adults in the United States were overweight or obese and 18% of children and adolescents were overweight; today there are nearly twice as many overweight children and almost three times as many overweight adolescents as there were in 1980; while the rates of overweight and obesity are rising, Americans are increasingly eating meals away from home, and the food industry spends millions of dollars every year encouraging families to eat in restaurants and other food establishments; in 1970, Americans spent just 26% of their food budget eating away from home, but currently, Americans spend almost half of their food dollars dining out; furthermore, portion sizes in restaurants have been increasing and it is not uncommon for a restaurant entree to provide half of an individual's total recommended daily allowance of calories, fat and sodium;

b. Surveys conducted by academicians from the University of Arkansas and Villanova University, and reported in the American Journal of Public Health article entitled "Attacking the Obesity Epidemic: The Potential Health Benefits of Providing Nutrition Information in Restaurants," showed that levels of calories and saturated fats in less-healthy restaurant items were significantly underestimated by consumers; actual fat and saturated fat levels were twice consumers' estimates and calories approached two times more than what consumers expected; based on these findings, the authors of the article conducted an experiment demonstrating that for food items for which levels of calories, fat and saturated fats substantially exceeded consumers' expectations, the provision of nutrition information had a significant influence on product attitude, purchase intention and choice;

c. A recent report of the Surgeon General of the United States on overweight and obesity recommended that the food industry provide reasonable food and beverage portions and increase the availability of nutrition information on foods prepared and eaten away from home; and

d. Therefore, it is in the public's interest to enable families to make more informed choices about a significant part of their diets and help reduce the problem of overweight and obesity in the State.

2. a. Notwithstanding any provision of law to the contrary:

(1) a retail food establishment shall list in a clear and conspicuous manner adjacent to each food or beverage item on a standard printed menu, the total number of calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium, per serving, as usually prepared and offered for sale; and

(2) a retail food establishment using a menu board system or similar signage shall list adjacent to each food or beverage item on the board or sign, the total number of calories per serving as usually prepared and offered for sale. Information about saturated and trans fat, carbohydrates and sodium content shall be made available to a customer upon request.

b. Nothing in this section shall prohibit a retail food establishment from providing additional nutrition information to its customers for each food or beverage item listed on its menu.

c. The provisions of this section shall not apply to any:

(1) item not listed on a standard printed menu, menu board system or similar signage, including, but not limited to,

condiments or other products placed on a table or counter for general use; or

(2) daily specials, temporary menu items, or food or beverage items from a salad bar.

d. A proprietor of a retail food establishment who violates the provisions of this section shall be subject to a penalty of not less than \$50 or more than \$100 for the first offense, and not less than \$250 or more than \$500 for the second or any subsequent offense, to be sued for and recovered in a civil action in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

e. As used in this section, "retail food establishment" means any fixed restaurant or any similar place that is part of a chain with 10 or more locations in the United States or five or more locations in the State doing business under the same trade name, and in which food or drink is prepared for retail sale or service on the premises.

3. The Commissioner of Health and Senior Services shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

4. This act shall take effect on the 180th day after the date of enactment, but the Commissioner of Health and Senior Services may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

While nutrition labeling is currently required on processed and packaged foods, restaurants where food and drink are prepared and sold are required to provide nutrition information only when a health claim is made for a food or beverage item listed on a menu.

Typically, fast food restaurants make nutrition information available to consumers only upon request through brochures or on corporate Internet sites, and other restaurants disclose the nutrition information of their menu items only via the Internet, if at all.

Approximately 50% of Americans report that the nutrition information on food labels has caused them to change their minds about purchasing a particular food product, and it has been shown that a large number of Americans would like to be provided with nutrition information for food and beverage items listed on a restaurant's menu.

It is the sponsor's intent, in accordance with the conclusions published in the American Journal of Public Health article, "Attacking the Obesity Epidemic: The Potential Health Benefits of Providing Nutrition Information in Restaurants," to enable families of this State to make educated decisions about the types of food they eat when dining outside the home and help reduce the incidence of obesity and other related health problems, including heart disease, stroke and diabetes, that cost families, businesses and the government of the United States \$117,000,000,000 each year.

This bill, therefore, directs chain retail food establishments to provide certain nutrition information for any food or beverage item listed on its menu. As used in the bill, "retail food establishment" means any fixed restaurant or any similar place that is part of a chain with 10 or more locations in the United States or five or more locations in the State doing business under the same trade name, and in which food or drink is prepared for retail sale or service on the premises.

Under the provisions of the bill, a retail food establishment shall list in a clear and conspicuous manner adjacent to

each food or beverage item on a standard printed menu, the total number of calories, grams of saturated and trans fat, grams of carbohydrates and milligrams of sodium, per serving, as usually prepared and offered for sale.

A retail food establishment using a menu board system or similar signage shall only be required to list caloric information adjacent to each food or beverage item on the board or sign, but information on fat, carbohydrate and sodium content shall be made available to a customer upon request.

The bill also stipulates that a retail food establishment shall not be required to provide nutrition information for any:

--item not listed on a standard printed menu, menu board system or similar signage, including, but not limited to, condiments or other products placed on a table or counter for general use; or

--daily specials, temporary menu items, or food or beverage items from a salad bar.

A proprietor of a retail food establishment who violates the

provisions of the bill shall be liable for a civil penalty of not less than \$50 or more than \$100 for the first offense, and not less than \$250 or more than \$500 for the second or any subsequent offense.